

REMARKS

The Applicant has submitted a Revocation of Power of Attorney and now appears pro se as the sole inventor.

The application as filed included independent Claims 1-25. Claims 1, 9, 15 and 19 were independent claims. In the present Amendment, the Applicant has canceled Claims 1-25 and added new Claims 26-58. Claims 26, 34, 43 and 51 are independent claims. The Applicant will now address each paragraph of the Examiner's Office Action on a paragraph by paragraph basis to demonstrate how the Applicant has responded to each objection or rejection.

At Paragraph No. 1, the Examiner objected to dependent Claim, 3, 12, 17 and 22, stating that the various appearances of the phrase "corresponding description" should be rewritten as "the corresponding detailed description." Applicant's new claims has been drafted to avoid the language objected to by the Examiner.

At Paragraph 2 of her Office Action, the Examiner objected to Claim 13 on the basis that it duplicated Claim 14. The Examiner suggested that Claim 13 should be amended to depend on independent Claim 9. Applicant's new claims have been drafted to avoid the claim duplication noted by the Examiner.

At Paragraph 4 of her Office Action, the Examiner applied an indefiniteness rejection under 35 U.S.C. § 112, second paragraph to the following claims: 1, 15, 9, 19, 10 and 20, and to claims 2-8, 10-14, 16-18 and 20-25 for incorporating the errors of their respective base claims by dependency.

To respond to each of the Examiner's § 112 rejections, the Applicant has rewritten rejected independent Claims 1, 9, 15, and 19 to overcome the Examiner's indefiniteness rejections:

<u>Original Claims</u>	<u>Rewritten Claims</u>
1	26
9	34
15	43
19	51

Claims 26, 34, 43, and 51 have also been rewritten to overcome the Examiner's Paragraph 4 antecedent basis rejections.

In canceled independent Claim 9, the Examiner correctly observed that the Applicant had improperly recited the "originator" rather than the "user." The replacement, clarified Claim 27 has corrected that error.

In view of the numerous corrections and clarifications made by the Applicant, by the addition of new independent Claims 26,

34, 43 and 51, and by submitting a new set of dependent claims, Applicant asserts that it has overcome each of the rejections set forth at Paragraph 4 of her Office Action.

At Paragraph 6 of her Office Action, the Examiner rejected all pending Claims 1-25 under 35 U.S.C. § 103 as unpatentable over Walker (U.S. Patent No. 5,862,223) in view of (Shear, U.S. Patent No. 5,050,213). In supporting that § 103 rejection of Applicant's original claims, the Examiner cited patent drawing Figures 1, 2, 6, 32 and 33 and specific sections of Walker's written description. The Examiner cited the Shear reference solely for the fact that it "... teaches limiting access of various portions of a database only to a person possessing the proper level of security code."

Applicant will now demonstrate how clarified, new independent Claims 26, 34, 43 and 51 are neither taught nor suggested by the Walker or Shear prior art references, whether taken singly or in combination.

In his new independent Claim 26, Applicant recites a method of using a computer to conduct transactions between users and originators. Applicant's claimed method comprises the steps of inputting into the computer a non-confidential, searchable basic description of a user's unmet needs or unsolved problems. Each

basic description further includes a corresponding, confidential separately accessible detailed description.

Applicant's claimed method permits an originator to access, search and review only the non-confidential basic descriptions on an unrestricted basis. Applicant's claimed method, however, provides selecting originators with an option to further explore the subject matter of a selected basic description by agreeing to an online license agreement which includes a confidentiality provision. Only if the originator inputs into the computer an acceptance of the license agreement does Applicant's method permit the originator to access on a confidential basis via the computer the previously restricted detailed description corresponding to the basic description selected by the originator.

Applicant's claimed method therefore defines a two step, two level search and review process. After users have input into the computer the non-confidential searchable basic descriptions with corresponding separately accessible, detailed descriptions, the users' role subsequently becomes entirely passive. Originators cannot review the existing, but confidential detailed description until they have input into the computer an acceptance of a license agreement.

The Walker patent, on the other hand, discloses a commercial network system designed to facilitate and support expert-based hiring with subsequent computer facilitated work flow. The Walker patent discloses an active, two way series of active communications between an expert having particular qualifications and an end user seeking a solution to an expert request. Walker's database stores only expert qualifications, and only on a single, non-confidential level. A search program identifies experts qualified to respond to a particular expert request. After entry, the expert request is transmitted to the expert. The expert reviews the request and subsequently drafts an expert answer which is transmitted to and received by the central controller. After carrying out an authorization process, the Walker system forwards the expert's specially formulated answer to the end user.

The system taught by Walker contemplates a multiple step business process which, because it requires that a selected expert formulate and then write down a response, cannot operate in real time. First, a user searches for and selects a qualified expert. The selected expert is provided with the problem, formulates a solution to the problem, enters a written draft of the solution into the computer which then transmits the written solution to the end user. As noted at line 2 of the Abstract, the Walker system serves the purpose of "managing

communications having particular qualifications and an end user seeking a solution to an expert request."

The Walker patent neither teaches nor suggests Applicant's claimed method as set forth in new independent Claim 26 rewritten to overcome the § 112 indefiniteness rejections applied by the Examiner to original independent Claim 1. Walker does not teach inputting a non-confidential searchable basic description of an unsolved problem, nor does Walker teach inputting at the same time a corresponding separately accessible, detailed description corresponding to each basic description. Walker similarly fails to teach or suggest allowing an originator to access, search and review on a non-confidential basis the basic description database without restriction and on a real time basis. Walker similarly fails to teach or suggest providing the originator with an option to further explore the subject matter of a selected basic description by agreeing to an online license agreement including a confidentiality provision. Walker similarly fails to teach or suggest thereafter providing the originator with access on a confidential basis to an existing, but previously non-reviewable detailed description corresponding to the selected basic description.

The Shear reference cited by the Examiner discloses a security system which allows an organization to prevent usage of

an information database unless the user first enters a data access security code. Applicant's claim 26 method allows all originators to access on an unrestricted basis all non-confidential basic descriptions of unmet needs or unsolved problems. All originators who input into the computer an indication of agreement to the terms of an online license agreement including a confidentiality provision are then allowed to access the previously non-reviewable detailed description corresponding to the selected basic description. Applicant's claimed method has nothing to do with providing security codes to individual users or restricting an individual's access to a database as a function of a pre-assigned security code.

Applicant asserts that new method claim 26 is patentably distinct from the teachings of the Walker and Shear references as applied by the Examiner.

In his new independent claim 34, Applicant recites a method of using a computer to conduct transactions between originators and users. Applicant's claimed method comprises the steps of inputting into the computer a non-confidential, searchable basic description of an originator's proposal. Each basic description further includes a corresponding, confidential separately accessible detailed description.

Applicant's claimed method permits a user to access, search and review only the non-confidential basic descriptions on an unrestricted basis. Applicant's claimed method, however, provides selecting users with an option to further explore the subject matter of a selected basic description by agreeing to an online license agreement which includes a confidentiality provision. Only if the user inputs into the computer an acceptance of the license agreement does Applicant's method permit the user to access on a confidential basis via the computer the previously restricted detailed description corresponding to the basic description selected by the user.

Applicant's claimed method therefore defines a two step, two level search and review process. After originators have input into the computer the non-confidential searchable basic descriptions with corresponding separately accessible, detailed descriptions, the originator's role subsequently becomes entirely passive. Users cannot review the existing, but confidential detailed description until they have input into the computer an acceptance of a license agreement.

The claimed system differs from the Walker system in that it does not seek to search out and identify "an expert having particular qualifications" for the purpose of matching one or more experts with a particular "end user seeking a solution to an expert request" as specifically taught in the Walker patent.

To the contrary, Applicant's method as now claimed enables a user to search for and review existing proposals stored in a data base without reviewing the qualifications of the originator. This distinction is clearly apparent since Applicant's claimed invention does not provide for either the recording or the communication of the qualifications of the originator, nor does it attempt to match in any way the originator, as an individual having particular qualifications, with a particular unmet need or unsolved problem previously submitted by a specified user. Applicant's claimed method can on a generalized level be characterized as "open ended" in that it imposes no restrictions whatever on the qualifications of persons either inputting or seeking to access either a problem or a solution to a problem.

Applicant's prior discussion about the distinctions between the limitations of method Claim 26 and the Shear patent also illustrates the differences between Applicant's Claim 34 method and Shear's teaching of the assignment of security codes to a user to control a user's access to an otherwise entirely secure database. As specifically recited at subparagraphs c, d and e of Claim 34, a user is immediately provided full access to a corresponding previously non-reviewable detailed description of a proposed solution by the originator once that user inputs into the computer an indication of agreement to the terms of an online license agreement including a confidentiality provision.

Applicant therefore asserts that Claim 34 is patentably distinct over the teachings of the Walker and Shear patents as applied by the Examiner.

Claim 43 represents an apparatus claim which utilizes limitations phrased in language generally related to the language utilized in method Claim 26. The distinction between Applicant's Claim 43 invention and Walker and Shear parallel the distinctions discussed above in connection with Claim 26. Based on those significant distinctions, Applicant asserts that independent apparatus Claim 43 is patentably distinct from the teachings of the Walker and Shear patents as applied by the Examiner.

Applicant's new Claim 51 represents an apparatus claim which utilizes claim limitations generally related to the limitations appearing in Applicant's new method Claim 34. Based on the distinctions presented above relating to the differences between Applicant's method Claim 34 and the teachings of Walker and Shear, Applicant asserts that his Claim 51 invention is also patentably distinct from the teachings of Walker and Shear as applied by the Examiner.

Applicant notes the Examiner's concluding remarks which appear at Paragraph 7 of her Office Action regarding the

references to Olsen, Rabne, Carter and Anand, et al. Applicant agrees that none of those four additional references, either taken singly or in combination, or whether combined with either Walker and/or Shear, teach or suggest Applicant's claimed invention as recited in new independent Claims 26, 34, 43 and 51 or in the related dependent claims.

In summary, Applicant has cancelled Claims 1-25 and has submitted new Claims 26-58 to overcome the Examiner's indefiniteness rejections under 35 U.S.C. § 112, second paragraph. Applicant asserts that all of the deficiencies identified in the Examiner's Office Action relating to the previously pending dependent claims have also been addressed and resolved.

Applicant's clarified claims now clearly demonstrate the non-obvious and patentable distinctions between Applicant's claims and the prior art references applied by the Examiner. Applicant requests that the Examiner find that all pending claims are patentable.

Applicant invites the Examiner to contact him at the Examiner's convenience at the following telephone number in the event that further prosecution of this case on the merits would

be facilitated by such a telephonic communication: Michael D. Powell: (408) 605-8806.

Michael D. Powell, Inventor

Michael D. Powell  
Signature

9/11/03

Date:

16020 Winterbrook Rd.  
Los Gatos, California 95032

Express Mail Mailing Label No.  
Date of Deposit:

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231

Michael D. Powell 9/11/03  
Person Making Deposit